

OCT 13 2004

**FAX TRANSMISSION**

# 18

**DATE:** October 13, 2004**PTO IDENTIFIER:** Application Number 09/761,511  
Patent Number**Inventor:** Takayuki Hisanaka**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (703) 872-9306 Attn: Examiner Catherine Lynne Anderson**FROM:** DARBY & DARBY P.C.

Chris T. Mizumoto

**PHONE:** (212) 527-7700**Attorney Dkt. #:** 02309/000II58-USO**PAGES (Including Cover Sheet):** 17

<b>CONTENTS:</b>	1. Petition to Revive and Response to Notice of Abandonment Requesting Withdrawal of Abandonment (2 pages);
	2. Copy of Filed Amendment dated March 22, 2004 (12 pages);
	3. United States Postal Service Confirmation of Delivery of tracking number EL 983945875 (1 page); and
	4. Certificate of Transmission (1 page)

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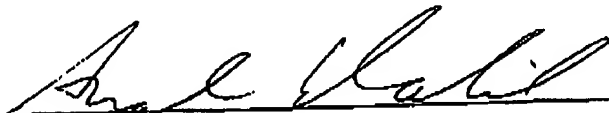
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1. Petition to Revive and Response to Notice of Abandonment Requesting withdrawal of Abandonment (2 pages);
2. Copy of Filed Amendment dated March 22, 2004 (12 pages);
3. United States Postal Service Confirmation of Delivery of tracking number EL 983945875 (1 page); and
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Docket No.: 02309/0001158-USO  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Takayuki Hisanaka

Application No.: 09/761,511

Confirmation No.: @@@

Filed: January 16, 2001

Art Unit: 3761

For: ABSORBENT ARTICLE CONTAINING SKIN-  
PROTECTIVE INGREDIENT

Examiner: C. L. Anderson

**PETITION TO REVIVE**  
**RESPONSE TO NOTICE OF ABANDONMENT**  
**REQUESTING WITHDRAWAL OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants received a Notice of Abandonment dated October 4, 2004 for allegedly not timely filing a response to an Office Action dated January 30, 2004. However, it is respectfully pointed out that a response to the January 30 Office Action was timely filed on March 22, 2004. A copy of the response as filed on March 22, 2004 and a copy of a Certificate of Express Mailing dated March 22, 2004 are included herein as evidence of timely filing.

Also, find enclosed a copy of the "Track and Confirm" website of EL98 3945 875US, which is the Express Mail: Air Mail Number of the present application. It shows that the package was delivered on March 24, 2004 at 9:09 am in Alexandria, VA 22313 and received by M. Boston.

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Application No.: 09/761,511

2

Docket No.: 02309/0001158-US0

Applicants believe that no fee is due to revive the application because a complete response was timely filed on March 22, 2004. Applicants respectfully request that the abandonment be withdrawn and that the application be fully examined in view of the March 22 response as filed. If there is any problem with this request, please contact the attorney named below.

Dated: October 13, 2004

Respectfully submitted,

By 

Chris T. Mizumoto

Registration No.: 42,899

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Attorneys/Agents For Applicant

USPS - Track &amp; Confirm



## Track & Confirm

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Atty Docket No.: 02309/0001158-US0

Inventor: Takayuki Hisanaka

Appln: 09/761,511 Filed: Jan. 16, 2001

Title: ABSORBENT ARTICLE CONTAINING SKIN-  
PROTECTIVE INGREDIENT

Documents:

Amendment Transmittal (1 page)

Amendment in Response to Non-Final Office Action (9 pages)

*a* 983945875-US

Via: Express Mail: Airbill No.

Sender Initials: AAC/fas Date: March 22, 2004  
*DD*

Application No. (if known): 09/761,511

Attorney Docket No.: 02309/000158-US0

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on March 22, 2004  
Date

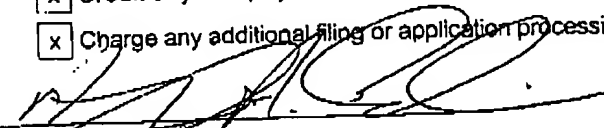
  
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Amendment Transmittal (1 page)  
Amendment in Response to Non-Final Office Action (9 pages)

{W:\02309\000158000\00155565.DOC 10/13/2004 3:23:08 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXR-1/3 \* DNIS:8729306 \* CSID:212 753 6237 \* DURATION (mm-ss):04-46 }

AMENDMENT TRANSMITTAL LETTER				Docket No. 02309/0001158-US0	
Application No. 09/761,511		Filing Date January 16, 2001		Examiner C. L. Anderson	
				Art Unit 3761	
Applicant(s): Takayuki Hisanaka					
Invention: ABSORBENT ARTICLE CONTAINING SKIN-PROTECTIVE INGREDIENT					
<b>TO THE COMMISSIONER FOR PATENTS</b>					
Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below.					
<b>CLAIMS AS AMENDED</b>					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	15	- 20 =		x	0.00
Independent Claims	4	- 4 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
<b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:</b>					0.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____ A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>04-0100</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
 Alphense A. Collins Attorney Reg. No.: 43,559				Dated: <u>March 22, 2004</u>	
DARBY & DARBY P.C. P.O. Box 5257 New York, New York 10150-5257 (212) 527-7723					



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Docket No.: 02309/0001158-USO  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Takayuki Hisanaka

Application No.: 09/761,511

Art Unit: 3761

Filed: January 16, 2001

Examiner: C. Anderson

For: ABSORBENT ARTICLE CONTAINING SKIN-  
PROTECTIVE INGREDIENT

**AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION**

MS Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated January 30, 2004, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.

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Application No.: 09/761,511

2

Docket No.: 02309/000I158-US0

**AMENDMENTS TO THE CLAIMS**

1. (Currently Amended) An absorbent article comprising:

a main body including a liquid-pervious top sheet, a back sheet and an absorbent core sandwiched between said top sheet and said back sheet;

a skin-protective ingredient containing layer applied in a predetermined pattern on one surface of said top sheet on a side mating with skin of a wearer such that the skin-protective ingredient is released from said one surface of said top sheet to form an oily film on skin of the wearer while contacting the skin of the wearer; and

a support layer formed over said skin-protective ingredient containing layer for retaining said skin-protective ingredient on said one surface of said top sheet and isolating said skin-protective ingredient containing layer from skin of the wearer, said support layer being soluble in water;

at a temperature higher than or equal to 25°C, solving in water of said support layer being promoted, and/or at a relative humidity of at least 30%, absorbing of moisture or solving in water of said support layer being promoted for exposing said skin-protective ingredient containing layer to skin of the wearer for permitting transfer of said skin-protective ingredient to skin of the wearer.

2. (Previously Presented) The absorbent article as set forth in claim 1,

wherein said support layer is formed of at least one compound selected from the group consisting of polyethylene oxide having a molecular weight of from 100 to 500,000, polypropylene glycol having a molecular weight of from 100 to 10,000, and polyvinyl alcohol having a degree of polymerization of from 300 to 4000 and a degree of saponification of from 50 to 99.

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Application No.: 09/761,511

3

Docket No.: 02309/000I158-USO

3. (Previously Presented) The absorbent article as set forth in claim 1,  
wherein said skin-protective ingredient containing layer is formed of a compound that forms said oily film on skin of the wearer.
4. (Previously Presented) The absorbent article as set forth in claim 3,  
wherein said skin-protective ingredient containing layer is fluidized at 35C or higher.
5. (Previously Presented) The absorbent article as set forth in claim 3,  
wherein said skin-protective ingredient containing layer is formed of at least one compound selected from the group consisting of liquid polyisoprene, squalane, pristane, ozocerite, ceresine, microcrystalline wax, polyethylene powder, liquid paraffin, petroleum jelly, and paraffin.
6. (Previously Presented) The absorbent article as set forth in claim 1,  
wherein said skin-protective ingredient containing layer and said support layer are located on a surface of said top sheet.
7. (Previously Presented) The absorbent article as set forth in claim 1, further including:  
at least one of a leak-preventive cuff for preventing side leakage and a leg cuff for preventing leakage through an area around a wearer's thighs, and at least one of the leak-preventive cuff and the leg cuff are located between said top sheet and said skin-protective ingredient containing layer and said support layer.
8. (Currently Amended) An absorbent article comprising:  
a main body including a liquid-pervious top sheet, a back sheet and an absorbent core sandwiched between said top sheet and said back sheet;  
a skin-protective ingredient containing layer applied in a predetermined pattern on one surface of said top sheet such that a skin-protective ingredient is released from said one surface of said top sheet and

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Application No.: 09/761,511

4

Docket No.: 02309/000I158-USO

transferred to skin of a wearer to form an oily film on skin of the wearer, said skin-protective ingredient containing layer being in a liquified state at 35 C or higher; and

a support layer formed over said skin-protective ingredient containing layer for retaining said skin-protective ingredient on said one surface of said top sheet and isolating said skin-protective ingredient containing layer from skin of the wearer, said support layer being soluble in water,

at a temperature higher than or equal to 25°C, solvating in water of said support layer being promoted, and/or at a relative humidity of at least 30%, absorbing of moisture or solvating in water of said support layer being promoted for exposing said skin-protective ingredient containing layer to skin of the wearer for permitting transfer of said skin-protective ingredient to skin of the wearer.

9. (Currently Amended) An absorbent article comprising:

a main body including a liquid-pervious top sheet, a back sheet and an absorbent core sandwiched between said top sheet and said back sheet;

a skin-protective ingredient containing layer applied in a predetermined pattern on one surface of said top sheet such that a skin-protective ingredient is released from said one surface of said top sheet and transferred to skin of a wearer for forming an oily film on skin of the wearer; and

a support layer formed over said skin-protective ingredient containing layer for retaining said skin-protective ingredient on said one surface of said top sheet and isolating said skin-protective ingredient containing layer from skin of the wearer, said support layer being soluble in water;

said support layer being formed of at least one compound selected from among a group consisting of polyethylene oxide having a molecular weight of from 100 to 500,000, polypropylene glycol having a molecular weight of from 100 to 10,000, and polyvinyl alcohol having a degree of

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Application No.: 09/761,511

5

Docket No.: 02309/000I158-US0

polymerization of from 300 to 4000 and a degree of saponification of from 50 to 99 for providing water solubility at a temperature higher than or equal to 25 C and for enhancement of moisture absorbability or the solubility in water at a relative humidity of at least 30%.

10. (Currently Amended) An absorbent article comprising:
- a main body including a liquid-pervious top sheet, a back sheet and an absorbent core sandwiched between said top sheet and said back sheet;
  - a skin-protective ingredient containing layer applied in a predetermined pattern to one surface of said top sheet such that a skin-protective ingredient is released from said one surface of said top sheet and transferred to skin of a wearer for forming an oily film on skin of the wearer, said skin-protective ingredient containing layer being in a liquified state at 35 C or higher; and
  - a support layer formed over said skin-protective ingredient containing layer for retaining said skin-protective ingredient on said one surface of said top sheet and isolating said skin-protective ingredient containing layer from skin of the wearer, said support layer being soluble in water;
  - said support layer being formed of at least one compound selected from among a group consisting of polyethylene oxide having a molecular weight of from 100 to 500,000, polypropylene glycol having a molecular weight of from 100 to 10,000, and polyvinyl alcohol having a degree of polymerization of from 300 to 4000 and a degree of saponification of from 50 to 99 for providing water solubility at a temperature higher than or equal to 25 C and for enhancement of moisture absorbability or the solubility in water at a relative humidity of at least 30 %.
11. (Previously Presented) The absorbent article as set forth in claim 1, wherein said support layer is formed of at least one compound selected from the group consisting of polyethylene oxide having a molecular weight

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Application No.: 09/761,511

6

Docket No.: 02309/000I158-US0

of from 100 to 500,000, and polypropylene glycol having a molecular weight of from 100 to 10,000.

12. (New) The absorbent article as set forth in claim 1, wherein another layer comprising a material that is identical to the support layer is disposed between the top sheet and the skin-protective ingredient layer.
13. (New) The absorbent article as set forth in claim 8, wherein another layer comprising a material that is identical to the support layer is disposed between the top sheet and the skin-protective ingredient layer.
14. (New) The absorbent article as set forth in claim 9, wherein another layer comprising a material that is identical to the support layer is disposed between the top sheet and the skin-protective ingredient layer.
15. (New) The absorbent article as set forth in claim 10, wherein another layer comprising a material that is identical to the support layer is disposed between the top sheet and the skin-protective ingredient layer.

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Application No.: 09/761,511

7

Docket No.: 02309/000I158-US0

**REMARKS**

The Examiner, Ms. C. L. Anderson, is thanked for her courtesies extended during the telephonic interview conducted on March 2, 2004, and for her assistance in furthering prosecution on the merits of the above-referenced application. During the telephonic interview, Claims 1, 8, 9 and 10 were discussed. U.S. Patent No. 6,160,200 to *Ehrnsperger et al.* was also discussed. An agreement was reached that the *Ehrnsperger et al.* patent failed to teach the configuration of the skin-protective ingredient described in Figs. 4A thru 4C, and Figs. 5A thru 5C of the present invention. As a result, the follow amendments and remarks incorporate and expand on the subject matter that was agreed to during the interview.

Claims 1-11 are pending. Claims 1, 8, 9, and 10 have been amended. No new matter has been added by way of this amendment. Reconsideration of the application is requested.

Claims 1-11 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,160,200 to *Ehrnsperger et al.*, while claims 4 and 5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over this reference in further view of U.S. Patent No. 5,60,760 to *Roe et al.* In response to these grounds of rejection, Applicant has amended independent claims 1, 8, 9, and 10 to more clearly define those features of the invention that distinguish it over the cited references. Accordingly, for the reasons set forth hereafter, Applicant respectfully submits that all claims of record distinguish over the cited references.

Independent claims 1, 8, 9 and 10 have been amended to recite that the "skin-protective ingredient containing layer [is] applied in a predetermined pattern on one surface of said top sheet...."

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Application No.: 09/761,511

8

Docket No.: 02309/000I158-USO

U.S. Patent No. 6,160,200 *Ehrnsperger* et al. relates to disposable absorbent articles, including one or more waste passage members which permit bodily exudates to pass through the member(s) in one direction, but which restrict the movement of the exudates through the member(s) in the reverse direction (see col. 1, lines 11-16).

Set forth on page 2 of the Office Action is the statement that:

*Ehrnsperger* discloses an absorbent article 20 comprising a liquid pervious topsheet 24, a backsheet 26, and an absorbent core 26, as shown in figures 1-6. A skin ingredient containing layer is applied to the upper surface of the topsheet 24, as disclosed in column 6, line 64-column 7, line 17. The skin-protective ingredient is fully capable of forming an oily film on the skin of a wearer. A support layer 60 is formed over the skin protective ingredient containing layer, as disclosed in column 17, lines 59-62. The support layer 60 is soluble in water at or above 25 degrees Celsius, as disclosed in column 10, lines 36-53 and column 13, lines 1-23. It is the Examiner's position that since the support layer is soluble in water, at 100% humidity, the support layer is therefore promoted at 100% humidity, which is greater than 30% humidity. The support layer 60 comprises polyvinyl alcohol, as disclosed in column 11, lines 38-41. The support layer 60 comprises in at least a part of the absorbent article 20, only the soluble material 66, as disclosed in column 11, lines 3-5. The support layer 60 is therefore capable of exposing the skin protective ingredient containing layer to the skin of a wearer after dissolving.

However, as noted during the telephonic interview that was conducted on March 2, 2004, *Ehrnsperger* et al. fails to teach a "skin-protective ingredient containing layer [that is] applied in a predetermined pattern on one surface of [a] top sheet," as set forth in amended independent claims 1, 8, 9 and 10.

U.S. Patent No. 5,607,760 to *Roe* et al. discloses a diaper containing a liquid pervious topsheet coated with a lotion composition is disclosed (see Abs.). However, this reference fails to cure the deficiency of the *Ehrnsperger* et al. patent. Specifically, *Roe* et al. also fails to teach that a

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Application No.: 09/761,511

9

Docket No.: 02309/000I158-US0

"skin-protective ingredient containing layer [is] applied in a predetermined pattern on one surface of [a] top sheet, as set forth in amended independent claims 1, 8, 9 and 10. In view of the foregoing, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e) and §103(a) are respectfully requested.

Dependent claims 12-15 have been added. Each of these claims is directed to the feature of placing the skin-ingredient layer between layers, as indicated in Figs. 5A-5C. Since the independent claims from which claims 12-15 depend are patentable over the cited art, Applicant respectfully asserts that newly added dependent claims 12-15 are also patentable.

In view of the patentability of independent claims 1, and 8, 9, and 10 for the reasons set forth above, dependent claims 2-7, and 11, as well as new dependent claims 12-15 are all patentable over the cited references.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested. However, if there are any questions regarding this Response, or the application in general, a telephone call to the undersigned would be appreciated since this would expedite the prosecution of the application for all concerned.

Dated: March 22, 2004

Respectfully submitted,

By 

Alphonso A. Collins

Registration No.: 43,559

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Attorneys/Agents For Applicant

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